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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 ,) CASE NO.: CV 05- (SS)
12 Plaintiff,) CASE MANAGEMENT ORDER
13 v.) [Social Security Case]
14 JO ANNE B. BARNHART,)
15 Commissioner of Social)
16 Security,)
17 Defendant.)
18

19 In accordance with General Order 05-01, this case is designated for
20 electronic filing. In order to facilitate the just, speedy, and
21 inexpensive determination of this case, the parties shall comply with
22 the following instructions.

23 I. Service of the Summons and Complaint
24

25 Plaintiff shall promptly serve the summons and complaint on the
26 Commissioner in the manner required by Rule 4(i) of the Federal Rules of
27 Civil Procedure. Such service shall consist of sending a copy of the
28 summons and complaint by registered or certified mail to each of the
following: (a) the United States Attorney for the Central District of

1 California, or his or her authorized agent, addressed to the civil
2 process clerk at the Office of the United States Attorney, Civil
3 Division, Room 7516, Federal Building, 300 North Los Angeles Street, Los
4 Angeles, California 90012; (b) the Commissioner of Social Security in
5 Washington, D.C.; and (c) the Attorney General of the United States in
6 Washington, D.C. Plaintiff shall electronically file a proof of service
7 showing compliance with this paragraph within twenty-eight (28) days
8 after the filing of the complaint.¹ Failure to comply with this
9 paragraph may result in dismissal of this case.

10
11 **II. Motion to Dismiss**
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13 Any motion to dismiss the complaint shall be electronically filed
14 in accordance with the rules governing noticed motions; provided,
15 however, that the motion shall be deemed submitted on the basis of the
16 papers timely filed as of the hearing date, without oral argument,
17 unless the Court orders otherwise. See Fed. R. Civ. P. 7 and 12; C.D.
18 Cal. Local Rules 7 and 12. Courtesy copies of all motion papers
19 (including the opposition and reply), with the Notice of Electronic
20 Filing attached, shall either (a) be delivered to the Magistrate Judge's
21 Chambers no later than 4:00 pm on the next court day, or (b) shall be

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24 ¹ If this Case Management Order is electronically filed prior to
25 service of the summons and complaint, plaintiff shall serve a copy of
26 this order concurrently with the summons and complaint. If this order
27 is electronically filed after the service of the summons and complaint,
28 plaintiff shall serve a copy of it by first-class mail on the Office of
the United States Attorney within fourteen (14) days from the date the
order is electronically filed, and plaintiff shall promptly
electronically file a proof of service with the Court.

1 mailed to Magistrate Judge Suzanne H. Segal at 312 North Spring St.,
2 #324, Los Angeles, CA 90012 no later than the next court day.

3
4 **III. Service of Administrative Record and Notice Thereof**

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6 The Commissioner shall have one hundred and twenty (120) days from
7 the date of service of the complaint in which to serve a complete copy
8 of the certified administrative record on plaintiff and electronically
9 file a notice of service with the Court.

10
11 **IV. Discovery and Pre-trial Proceedings**

12
13 No discovery or other pre-trial proceedings not authorized by this
14 order shall be conducted without leave of court. In particular, no
15 motion for summary judgment shall be filed. The decision in this case
16 will be made on the basis of the pleadings, the administrative record,
17 and the Joint Stipulation filed by the parties. In accordance with Rule
18 12(c) of the Federal Rules of Civil Procedure, the Court will determine
19 which party is entitled to judgment under the standards set forth in 42
20 U.S.C. § 405(g).

21
22 **V. Mandatory Settlement Procedures**

23
24 The parties shall engage in good faith settlement negotiations to
25 resolve the matter, according to the following schedule.

26
27 A. Within twenty-one (21) days of the date of service of a copy
28 of the administrative record, plaintiff shall prepare and deliver to the

1 Assistant United States Attorney ("AUSA") representing the Commissioner
2 a written and detailed proposal of settlement. Plaintiff shall transmit
3 a copy of the settlement proposal to:

4
5 Social Security Administration
6 Office of the General Counsel
7 Office of the Regional Chief Counsel, Region IX
8 Attn: Early Review Program
9 333 Market Street, Suite 1500
10 San Francisco, CA 94105
11 Telephone: (415) 977-8943
12 Facsimile: (415) 744-0134
13
14

15
16 B. Within twenty-eight (28) days of receipt of the written
17 settlement proposal, the Commissioner shall evaluate the merits of
18 plaintiff's contentions and confer with plaintiff's counsel in writing
19 by mail or facsimile transmission.
20

21
22 C. Within seven (7) days after the service on plaintiff of the
23 Commissioner's written response to the settlement proposal, one of the
24 following actions shall occur:
25

26 1. The parties shall electronically file a stipulation
27 dismissing, remanding, or otherwise resolving the case;
28

29 2. The parties shall electronically file a Joint Status
30 Report advising the Court that they are exercising their option to
31 extend the due dates an additional fourteen (14) days for continued
32 settlement discussions (such extension is automatic upon filing of
33 the Joint Status Report). Within fourteen (14) days after the
34 electronic filing of a Joint Status Report, the parties shall
35 comply with either paragraph 1 or 3; or,
36

1 3. The Commissioner shall electronically file an answer (or
2 a noticed motion to remand), and manually file the certified
3 administrative record with the Clerk. A Notice of Manual Filing of
4 the Administrative Record shall be electronically filed.

5
6 **VI. Joint Stipulation**

7
8 If the parties cannot resolve the matter in settlement discussions
9 (and there is no motion to dismiss or motion to remand pending before
10 the Court), the parties shall electronically file a Joint Stipulation in
11 the manner, and according to the schedule, set forth below. The parties
12 shall cooperate in preparing the Joint Stipulation, and sanctions may be
13 imposed for any failure to cooperate. A Joint Stipulation that is not
14 signed by counsel for both parties may be rejected and stricken by the
15 Court. A Joint Stipulation that is electronically filed, but that is
16 not prepared in the manner required by this order, may be stricken, in
17 which event the parties will be required to cure the defects by
18 electronically filing an Amended Joint Stipulation.

19
20 **VII. Content of Joint Stipulation**

21
22 The Joint Stipulation shall include a brief summary of the case,
23 the parties' positions with respect to the Administrative Law Judge's
24 ("ALJ") summary of the material medical evidence and testimony of
25 record, a statement of the disputed issues, the parties' contentions
26 with respect to each disputed issue, and the parties' statements of the
27 relief requested. Any issue not raised in the Joint Stipulation may be
28 deemed to have been waived. The Court is familiar with the standard of

1 review and the sequential evaluation process, so the parties should
2 avoid boilerplate discussions of the governing legal standards. Rather,
3 the parties should focus on applying relevant and controlling legal
4 authority to the facts germane to each disputed issue. When citing
5 cases, statutes, regulations, Social Security Rulings, medical and
6 vocational reference sources, or other legal authority to support their
7 legal arguments, the parties shall provide complete and accurate
8 citations to the portions of those authorities relied upon. The parties
9 shall also specify the evidence upon which they rely to support their
10 contentions, and provide accurate page citations to the administrative
11 record for all evidence relied upon ["AR ____"]. In addition, all
12 medical terminology (including medical conditions, diagnoses,
13 procedures, tests, anatomical references, and pharmaceuticals) shall be
14 defined in terms understandable to a layperson, preferably by citation
15 to a medical dictionary or glossary from a standard reference work. The
16 parties may not supplement the record beyond definition of technical
17 terms.

18
19 **VIII. Form of Joint Stipulation**

20
21 The Joint Stipulation shall be prepared in the following format,
22 and shall comply with the local rules governing form and typeface:

23
24 A. Summary of the Case

25
26 Plaintiff shall provide a brief summary of the background facts and
27 procedural history. The Commissioner need not respond to plaintiff's

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summary, unless the Commissioner believes that plaintiff's summary misstates, mischaracterizes or omits any material facts or proceedings.

B. Medical Evidence

1. Plaintiff shall state whether plaintiff will stipulate that the ALJ's decision fairly and accurately summarizes the material medical evidence and testimony of record. If not, plaintiff shall either (a) specify the respects in which plaintiff contends the ALJ's decision misstates, mischaracterizes, or omits any of the material medical evidence and/or testimony of record, or (b) state that the contentions of misstatement, mischaracterization, or omission are addressed in the argument in support of the Joint Stipulation.

2. The Commissioner shall state whether the Commissioner will stipulate that the ALJ's decision fairly and accurately summarizes the material medical evidence and testimony of record. If not, the Commissioner shall either (a) specify the respects in which the Commissioner contends that the ALJ's decision misstates, mischaracterizes, or omits any of the material medical evidence and/or testimony of record, or (b) state that the contentions of misstatement, mischaracterization, or omission are addressed in the argument in support of the Joint Stipulation.

C. Statement of Disputed Issues

Plaintiff shall identify and frame, in a neutral fashion, each of the disputed issues that plaintiff is raising as the grounds for

1 reversal and/or remand. [Example: "Issue No. 1 - Whether the ALJ
2 properly evaluated plaintiff's subjective complaints of pain."]

3
4 D. Issues and Contentions

5
6 1. Issue No. 1 [The heading shall conform to the first issue
7 listed in the Statement of Disputed Issues.]

8 a. Plaintiff's Contentions Regarding Issue No. 1
9 [Plaintiff shall concisely set forth plaintiff's contentions
10 (including citations to the page(s) of the administrative
11 record where cited evidence is found, complete citations to
12 relevant legal authority, and definitions of medical
13 terminology).]

14 b. The Commissioner's Contentions Regarding Issue No.
15 1 [The Commissioner shall concisely set forth The
16 Commissioner's contentions (including citations to the page(s)
17 of the administrative record where cited evidence is found,
18 complete citations to relevant legal authority, and
19 definitions of medical terminology).]

20 c. Plaintiff's Reply Regarding Issue No. 1 [Plaintiff
21 may, but is not required to, reply to the contentions actually
22 raised by the Commissioner; provided, however, that any such
23 reply does not exceed 56 continuous lines of text per issue.]

24 2. Issue No. 2, etc. [Repeat the foregoing format as
25 needed.]

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1 E. Relief Requested

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3 1. Plaintiff's statement of relief requested.

4 2. The Commissioner's statement of relief requested.

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6 **IX. Schedule for Preparation and Filing of Joint Stipulation**

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8 The Joint Stipulation shall be prepared and electronically filed
9 according to the following schedule:

10
11 A. Within twenty-one (21) days of the filing of the answer,
12 plaintiff's counsel shall prepare and deliver to the AUSA a draft of
13 plaintiff's portions of the Joint Stipulation (prepared as described in
14 section VIII, paragraphs A, B, C, D subparagraph a, and E). Plaintiff's
15 counsel shall provide the AUSA and the Office of Regional Counsel with
16 a printed copy of plaintiff's portions of the Joint Stipulation and a
17 computer-readable copy on diskette or via e-mail. The draft of
18 plaintiff's portions of the Joint Stipulation shall comply with the
19 format and content requirements set forth elsewhere in this order.

20
21 B. Within twenty-eight (28) days of the date on which plaintiff's
22 counsel provides the AUSA and the Office of Regional Counsel with the
23 draft of plaintiff's portions of the Joint Stipulation, the Commissioner
24 shall provide to plaintiff's counsel the Commissioner's portions of the
25 Joint Stipulation and shall deliver a printed and computer-readable copy
26 of the Commissioner's portions of the Joint Stipulation to plaintiff's
27 counsel. [The Court recognizes that differing word-processing platforms
28 make incorporation of the entire Joint Stipulation into a single

1 electronic document difficult. If the parties do not use the same
2 word-processing platform, the parties may break the Joint Stipulation
3 into different sections on different pages as necessary.]
4

5 C. Within fourteen (14) days after the Commissioner provides
6 plaintiff's counsel with the Commissioner's portions of the Joint
7 Stipulation, plaintiff's counsel shall incorporate into the Joint
8 Stipulation any reply that plaintiff may wish to make to the
9 Commissioner's contentions, and shall deliver a completed copy of the
10 Joint Stipulation signed by plaintiff to the AUSA for review, signature
11 and electronic filing. [See paragraph B regarding incorporation and
12 breaking of document.] Plaintiff shall not use the reply to raise new
13 issues that the Commissioner has not had an opportunity to address.
14

15 D. Within three (3) days of delivery by plaintiff's counsel of
16 the signed Joint Stipulation, the AUSA shall sign and electronically
17 file the Joint Stipulation. A courtesy copy of the Joint Stipulation,
18 with the Notice of Electronic Filing attached, shall either (a) be
19 delivered to the Magistrate Judge's Chambers no later than 4:00 pm on
20 the next court day, or (b) shall be mailed to Magistrate Judge Suzanne
21 H. Segal at 312 North Spring St., #324, Los Angeles, CA 90012 no later
22 than the next court day.
23

24 **X. Requests for Extensions of Time**
25

26 The deadlines set forth in this order are designed to give parties
27 exercising reasonable diligence sufficient time to perform the required
28 acts without seeking extensions of time. Accordingly, requests for

1 extensions of time are discouraged. Any such request shall set forth
2 specific facts showing that additional time is needed despite diligent
3 attempts to meet a deadline. Requests for extensions of time shall be
4 electronically filed at least three (3) days before the deadline that is
5 the subject of the request. Whenever possible, a request for extension
6 of time should be made in the form of a proposed stipulated order.

7
8 **XI. Oral Argument**

9
10 Unless otherwise ordered, the issues presented in any Joint
11 Stipulation shall be deemed submitted for decision without oral
12 argument.

13
14 **XII. Motions and Petitions for Attorney Fees**

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16 A. Equal Access to Justice Act

17
18 1. Any motion or petition for attorney fees, costs, and
19 expenses shall be made in accordance with 28 U.S.C. § 2412 (EAJA).
20 Plaintiff shall electronically file a notice of any motion or
21 petition for attorney fees, costs, and expenses under the EAJA and
22 manually serve a copy on the Office of Regional Counsel. A
23 courtesy copy of the motion or petition, with the Notice of
24 Electronic Filing attached, shall either (a) be delivered to the
25 Magistrate Judge's Chambers no later than 4:00 pm on the next court
26 day, or (b) shall be mailed to Magistrate Judge Suzanne H. Segal at
27 312 North Spring St., #324, Los Angeles, CA 90012 no later than the
28 next court day.

1 2. The Commissioner shall have a period of twenty-one (21)
2 days from the date of electronic filing of the motion or petition
3 within which to electronically file the Commissioner's opposition
4 to the motion or petition. A courtesy copy of the Commissioner's
5 opposition, with the Notice of Electronic Filing attached, shall
6 either (a) be delivered to the Magistrate Judge's Chambers no later
7 than 4:00 pm on the next court day, or (b) shall be mailed to
8 Magistrate Judge Suzanne H. Segal at 312 North Spring St., #324,
9 Los Angeles, CA 90012 no later than the next court day.

10 3. If the Commissioner believes that there is a possibility
11 of arriving at a settlement with plaintiff of the fees, costs and
12 expenses issue, the parties shall electronically file a stipulation
13 to extend the time for the Commissioner to file an opposition for
14 the purpose of affording the parties an opportunity to discuss
15 settlement. Any such stipulated extension shall be electronically
16 filed prior to the date the Commissioner's opposition is due, and
17 the stipulated extension shall be for no more than thirty (30)
18 days.

19 4. Assuming either that there is no extension to discuss
20 settlement or that no settlement is reached after such an
21 extension, plaintiff may electronically file a reply to the
22 Commissioner's opposition within ten (10) days of service thereof.
23 A courtesy copy of the reply, with the Notice of Electronic Filing
24 attached, shall either (a) be delivered to the Magistrate Judge's
25 Chambers no later than 4:00 pm on the next court day, or (b) shall
26 be mailed to Magistrate Judge Suzanne H. Segal at 312 North Spring
27 St., #324, Los Angeles, CA 90012 no later than the next court day.

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1 5. The matter will stand submitted pursuant to Local Rule
2 7-15 as of the date of the last filing.

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4 B. 42 U.S.C. § 406(b)

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6 1. Any motion or petition for attorney fees pursuant to 42
7 U.S.C. § 406(b) shall be made by plaintiff's counsel within a
8 reasonable time after the publication of a notice by the
9 Commissioner allowing the Court to determine the maximum allowable
10 fee under that provision. The motion or petition shall include a
11 statement by plaintiff's counsel indicating the amount of EAJA fees
12 and/or 42 U.S.C. § 406(a) fees awarded and/or requested.

13 2. Plaintiff's counsel shall electronically file a motion or
14 petition for attorney fees pursuant to 42 U.S.C. § 406(b) and
15 manually serve copies on the Office of Regional Counsel and on the
16 plaintiff. Plaintiff's counsel shall state in any notice that
17 plaintiff may file any statement or opposition with the Court not
18 more than fourteen (14) days after service of the motion
19 [petition], and that any statement or opposition filed by plaintiff
20 shall be served on both plaintiff's counsel and the AUSA. A
21 courtesy copy of the motion or petition, with the Notice of
22 Electronic Filing attached, shall either (a) be delivered to the
23 Magistrate Judge's Chambers no later than 4:00 pm on the next court
24 day, or (b) shall be mailed to Magistrate Judge Suzanne H. Segal at
25 312 North Spring St., #324, Los Angeles, CA 90012 no later than the
26 next court day.

27 3. The Commissioner shall electronically file any statement
28 or opposition not more than fourteen (14) days after service of the

1 motion or petition, and also manually serve a copy on the
2 plaintiff. A courtesy copy of the Commissioner's statement or
3 opposition, with the Notice of Electronic Filing attached, shall
4 either (a) be delivered to the Magistrate Judge's Chambers no later
5 than 4:00 pm on the next court day, or (b) shall be mailed to
6 Magistrate Judge Suzanne H. Segal at 312 North Spring St., #324,
7 Los Angeles, CA 90012 no later than the next court day.

8 4. Plaintiff's counsel may electronically file a reply in
9 support of the motion or petition within seven (7) days of service
10 of any statement or opposition, and also manually serve a copy on
11 the plaintiff. A courtesy copy of the reply, with the Notice of
12 Electronic Filing attached, shall either (a) be delivered to the
13 Magistrate Judge's Chambers no later than 4:00 pm on the next court
14 day, or (b) shall be mailed to Magistrate Judge Suzanne H. Segal at
15 312 North Spring St., #324, Los Angeles, CA 90012 no later than the
16 next court day.

17 5. The matter will stand submitted pursuant to Local Rule
18 7-15 as of the date the last filing is due.

19
20 **IT IS SO ORDERED.**

21
22 DATED: _____

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24
25 SUZANNE H. SEGAL
UNITED STATES MAGISTRATE JUDGE